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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/544,780	08/08/2005	Harald Keller	275181US0PCT	5352
22850	7590	11/18/2009	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			SCHIRO, RYAN RAYMOND	
		ART UNIT	PAPER NUMBER	
		1792		
		NOTIFICATION DATE	DELIVERY MODE	
		11/18/2009	ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Advisory Action</b> <b>After the Filing of an Appeal Brief</b>	<b>Application No.</b> 10/544,780	<b>Applicant(s)</b> KELLER ET AL.
	<b>Examiner</b> RYAN SCHIRO	<b>Art Unit</b> 1792

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

The reply filed 09 November 2009 is acknowledged.

1.  The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:
  - a.  The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).
  - b.  The affidavit or other evidence is not timely filed before the filing of an appeal brief.  
See 37 CFR 41.33(d)(2).
2.  The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3.  The reply is entered. An explanation of the status of the claims after entry is below or attached.
4.  Other: \_\_\_\_\_

/Michael Barr/  
Supervisory Patent Examiner, Art Unit 1792

/RYAN SCHIRO/  
Examiner, Art Unit 1792

The amendment to claim 12 has been entered. The status of the claims does not change in regards to the final rejection filed April 20, 2009. The amendment of claim 12 is to effectively make claim 12 and all of its dependent claims now depend on claim 8, thus eliminating claim 12 as an independent claim.